UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC.	§	
	§	
Plaintiff	§	
	§	Civil File No. 2:07-CV-00263-TJW/CE
v.	§	
	§	Jury Trial Requested
BLOCKDOT, INC., CAREERBUILDER, LLC, CNET NETWORKS, INC., DIGG, INC., EBAUM'S WORLD, INC., JABEZ NETWORKS, INC., THE NEW YORK TIMES COMPANY, THE WASHINGTON POST COMPANY, and THE WEATHER CHANNEL INTERACTIVE, INC.	§	
	§	
Defendants	§	

PLAINTIFF'S UNOPPOSED MOTION
FOR LEAVE TO FILE PLAINTIFF'S SECOND AMENDED COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Beneficial Innovations, Inc. (hereinafter "Beneficial") hereby requests leave of the Court to file Plaintiff's Second Amended Complaint, a copy of which is attached hereto as Exhibit 1.

There has not yet been a conference pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. The Case Scheduling Conference set forth in the Local Patent Rules for the Eastern District of Texas has not yet been scheduled. Thus, no Docket Control Order has been entered to date. Discovery has not yet begun.

Dockets.Justia.com

WHEREFORE premises considered, Plaintiff respectfully requests that the Court grant Plaintiff Beneficial leave to amend the Complaint.

Date: September 10, 2007

Respectfully Submitted,

/s/ Elizabeth L. DeRieux
S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Andrew W. Spangler
State Bar No. 24041960
Brown McCarroll LLP
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
E-mail: ccapshaw@mailbmc.com
E-mail: ederieux@mailbmc.com
E-mail: aspangler@mailbmc.com

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
Parker, Bunt & Ainsworth
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Facsimile: (903) 533-9687
E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

Otis W. Carroll, Jr.
State Bar No. 03895700
Deborah J. Race
State Bar No. 16448700
Ireland Carroll & Kelley, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071
E-mail: fedserv@icklaw.com
E-mail: drace@icklaw.com

Franklin Jones, Jr.
State Bar No. 00000055
Jones & Jones, Inc., P.C.
201 W. Houston Street
P. O. Drawer 1249
Marshall, Texas 75670
Telephone: (903) 938-4395
Facsimile: (903) 938-3360
E-mail: maizieh@millerfirm.com

Of Counsel:

Gregory Scott Dovel
CA State Bar No. 135387
Julien A. Adams
CA State Bar No. 156135
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: (310) 656-7066
Facsimile: (310) 656-7069
E-mail: greg@dovellaw.com
E-mail: julien@dovellaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Plaintiff has contacted counsel for Defendants regarding the relief requested in this motion and that this Motion is unopposed.

/s/ Elizabeth L. DeRieux

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 10th day of September, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux